

## REMARKS

Claims 1-13 are pending in the application. It is gratefully acknowledged that Claims 8-13 have been allowed. It is also gratefully acknowledged that Claims 4-7 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has rejected Claims 1 and 3 under 35 U.S.C. §102(e) as being anticipated by Odenwalder et al. (U.S. Patent 6,298,051). The Examiner has rejected Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Odenwalder et al. in view of Holtzman et al. (U.S. Patent 6,621,804).

Please cancel Claim 6 without prejudice.

Regarding independent Claim 1, the Examiner states that Odenwalder et al. discloses all of the limitations of Claim 1. Odenwalder et al. discloses a high data rate supplemental channel for a CDMA telecommunications system. Odenwalder et al. does not disclose the concept of creating a matrix of the subset of the orthogonal codes, nor the assignment to the first and second system channels the orthogonal codes from the subset. In order to more clearly apply this argument to Claim 1, Claim 1 has been amended for clarification purposes. Among other elements, Claim 1 has been amended to more clearly distinguish between the first and second systems, and the first and second system signals. Also, Claim 1 has been amended to more clearly recite that a subset of orthogonal codes arranged in a matrix of subsets of orthogonal codes and inversed orthogonal codes is created and that each subset including  $2n$  rows and  $2n$  columns. Additionally, Claim 1 has been amended to more clearly recite that the channels of the second system are assigned orthogonal codes corresponding to at least one of  $2n$  rows of the matrix of the subset of orthogonal codes not assigned to the first system. Based on at least the foregoing arguments and amendments, withdrawal of the rejection of Claim 1 is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 3, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 3 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5 and 7-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516  
PJF/MJM/dr